



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,300	07/14/1999	EDWARD S. MANN II		5978

7590 06/04/2003  
David B Weaver  
Vinson & Elkins LLP  
2300 First City Tower  
1001 Fannin Street  
Houston, TX 77002-6760

EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 06/04/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/308,300

Applicant(s)

MANN II ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

In response to the amendment filed on 4/7/03, Claims 38-57 are pending.

Claims 1-25 are cancelled.

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution.

When claims are canceled, the remaining claims must not be renumbered.

When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 26-45 have been renumbered 38-57.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3714

**Claims 38, 43-45, 47, 51-53 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Hitchcock et al. (US 5,823,781).**

1. [Claims 38,43,51]: Regarding Claims 38,43, and 51, Hitchcock discloses a user interface that transmits an instruction set having a plurality of instructions for selection by a user and receives at least one selected instruction based upon said instruction set, said at least one selected instruction designating a target application from a plurality of independently-executable computer applications. See FIG. 3. Hitchcock discloses wherein the user interface comprises a topic selection interface (i.e. menu screen), and wherein the topic selection interface is displayed only when commands are executed via the user interface (e.g. Job Aids). See FIG. 4 and Col.10: 24-27. Hitchcock discloses a data retrieval interface (i.e. graphical user interface) that retrieves a plurality of data from a computer memory, said plurality of data based upon said at least one selected instruction; See Col.9: 18-31 and Col.10: 21-40. Hitchcock discloses a data interpreter that receives said data and said at least selected instruction, said data interpreter translates said data into a plurality of actions with respect to said target. A data interpreter would have been an inherent feature of Hitchcock, especially in light of Col.10: 21-40. Hitchcock discloses a target application interface that receives at least said plurality of actions and that selectively issues some of said plurality of actions for externally (via local area networks) target application and that relays feedback from the target application back through the data interpreter to the user interface. See Col.3: 49-52. Hitchcock discloses wherein the data retrieval interface comprises a network (i.e. local area network)

Art Unit: 3714

interface for accessing said plurality of data from a device coupled to a network.

See Col.3: 49-52. Hitchcock discloses a user interface that transmits an instruction set having a plurality of instructions for selection by a user and receives at least one selected instruction based upon said instruction set, said at least one selected instruction designating a target peripheral device (i.e. computer terminal). See Col.10: 41-43. Hitchcock discloses a peripheral interface (i.e. network infrastructure configuration) that receives at least some of said plurality of actions and selectively issues some of the actions for operating a peripheral device having an embedded instruction set. See Col.3: 63-66. A communications port that relays feedback from the peripheral device back through the data interpreter to the user interface would have been an inherent feature of Hitchcock's invention.

2. [Claims 44,52]: Regarding Claims 44 and 52, Hitchcock discloses wherein the user interface further comprises a control bar (i.e. menu screen), and wherein the user interface is displayed only when commands are executed via the control bar. See Col.10: 24-40.

3. [Claims 45, 53]: Regarding Claims 45 and 53, Hitchcock discloses wherein the user interface comprises a topic selection interface (i.e. menu screen), and wherein the topic selection interface is displayed only when commands are executed via the user interface. See Col.10: 24-40.

4. [Claims 47,55]: Regarding Claims 47 and 55, Hitchcock discloses wherein the network interface comprises a local area network interface. See Col.3: 49-52.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 39-41 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchcock in view of Judd et al. (US 5,602,982).**

[Claims 39-41, 50]: Regarding Claims 39-41 and 50, Hitchcock does not disclose expressly wherein the target application interface selectively takes control of the target application based upon user input; wherein the target application interface takes control of the target application based upon said at least some of said plurality of actions and completely releases control of the target application based upon completion of some said plurality of actions (e.g. by pressing the escape key on the keyboard); wherein the target application interface takes control of the target application upon completion of said at least some of said plurality of action. However, Judd teaches such in Col.5: 33-46. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Hitchcock, in light of the teaching of Judd, in order to give a step-by-step demonstration of how to complete an assigned task.

Art Unit: 3714

**Claims 42, 46, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchcock in view of Koskinen (US 6,062,862).**

1. [Claims 42, 46]: Regarding Claims 42 and 46, Hitchcock does not disclose expressly wherein the data comprises video data. However, Koskinen teaches video data (i.e. video files) in Col.7: 49-51. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate video data into the method and system of Hitchcock, in light of the teaching of Koskinen, in order to enable the displaying and viewing of video.

2. [Claims 48-49]: Regarding Claims 48-49, Hitchcock does not disclose expressly an Internet or wireless interface. However, Koskinen teaches such in Col.3: 54-56 and Col.58-Col.6: 5. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate an Internet interface and a wireless interface into the method and system of Hitchcock, in light of the teaching of Koskinen, in order to enable global and portable communication and connectivity.

**Claims 54 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchcock in view of Judd, as applied to Claim 39 above, and further in view of Koskinen (US 6,062,862).**

1. [Claim 54]: Regarding Claim 54, Hitchcock/Judd does not disclose expressly wherein the data comprises video data. However, Koskinen teaches video data (i.e. video files) in Col.7: 49-51. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to

Art Unit: 3714

incorporate video data into the method and system of Hitchcock/Judd, in light of the teaching of Koskinen, in order to enable the displaying and viewing of video.

2. [Claims 56-57]: Regarding Claims 48-49, Hitchcock/Judd does not disclose expressly an Internet or wireless interface. However, Koskinen teaches such in Col.3: 54-56 and Col.58-Col.6: 5. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate an Internet interface and a wireless interface into the method and system of Hitchcock/Judd, in light of the teaching of Koskinen, in order to enable global and portable communication and connectivity.

### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bullen (US 6,033,226)
  - machine tool operator training system
- Stein (US 5,684,952)
  - control system for networked multimedia
- Slattery et al. (US 6,514,085)
  - computer-based training
- Brush et al. (US 4,867,685)
  - audio visual instructional system
- Strashun (US 4,812,125)
  - interactive teaching apparatus



Art Unit: 3714

***Response to Arguments***

Applicant's arguments with respect to claims 38-57 have been considered but are moot in view of the new ground(s) of rejection. Therefore, this action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ch.

ch.

May 31, 2003

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700